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Attorneys for Defendant
TWITTER, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

OMAR ABDULAZIZ,

Plaintiff,

v.

TWITTER, INC.; MCKINSEY & CO.,

Defendants.

Case No. 3:19-cv-06694-LB

**NOTICE OF PLAINTIFF'S COUNSEL'S
INABILITY TO CONTACT PLAINTIFF
AND REQUEST FOR ORDER TO SHOW
CAUSE**

Dept.: Courtroom B- 15th Floor
Judge: Hon. Laurel Beeler

Date Filed: October 18, 2019

Trial Date: None Set

1 Twitter, Inc. respectfully submits this Notice to alert the Court to circumstances
 2 implicating Federal Rule of Civil Procedure 41(b) and to request that the Court issue an Order to
 3 Show Cause.

4 On April 14, 2021, Plaintiff's counsel informed Twitter via email that they "have not
 5 heard back from [their] client for some time now despite attempts to contact him." In the same
 6 correspondence, Plaintiff's counsel requested a 10-day extension of their deadline to file
 7 Plaintiff's Fourth Amended Complaint—then due April 19—due to the need to confer with their
 8 client to confirm facts for that anticipated amended pleading. Counsel for Twitter stated that
 9 Twitter was agreeable to extending Plaintiff's deadline to April 29 to file his Fourth Amended
 10 Complaint, provided that Plaintiff's counsel inform the Court of the circumstances and their
 11 inability to reach their client. To the extent Plaintiff continued not to respond to his counsel,
 12 Twitter also informed Plaintiff's counsel that it anticipated seeking dismissal pursuant to Rule
 13 41(b).

14 The parties did not ultimately reach a stipulation to provide the Court with notice of
 15 Plaintiff's non-participation, though counsel for Twitter submitted that the Court should be so
 16 informed through a joint filing. On April 19, Plaintiff's counsel elected to file their Fourth
 17 Amended Complaint without further extension and—it appears—without reaching their client to
 18 confirm the facts contained therein. On April 20 and again on April 27, 2021, Twitter contacted
 19 Plaintiff's counsel to ask whether they had been able to re-establish contact with their client. To
 20 date, Plaintiff's counsel have not confirmed whether or not they have been able to re-establish
 21 contact with their client. On April 28, Plaintiff's counsel responded to Twitter's messages, once
 22 again without confirming whether or not they had been able to reach their client, instead stating
 23 "we believe this issue is now moot in light of our filing the Fourth Amended Complaint."¹

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 26 ¹ Despite Plaintiff's apparent decision to no longer participate with his counsel in this litigation,
 27 Plaintiff continues to post regularly to his social media account. See <https://twitter.com/oamaz7>
 28 (containing dozens of posts made by Plaintiff from April 14 through today). Thus, Plaintiff does
 not appear to be unable to communicate generally, but rather has merely stopped responding to
 his own counsel.

1 Accordingly, due to Plaintiff's apparent decision to no longer participate with his counsel
2 in this litigation, Twitter respectfully requests that the Court issue an Order to Show Cause why
3 this action should not be dismissed. *See, e.g., Situ v. Leavitt*, No. C06-2841 TEH, 2006 WL
4 3734373, *3 (N.D. Cal. Dec. 18, 2006) (issuing order to show cause why plaintiff's claims should
5 not be dismissed where plaintiff's counsel was "unable to contact" plaintiffs); *M.J.V. v. City of*
6 *Avenal*, No. 1:18-cv-00863, 2019 WL 4670860, at *2 (E.D. Cal. Sept. 25, 2019) (issuing order
7 show cause and dismissing action where plaintiff's counsel was unable to contact plaintiff), report
8 and recommendation adopted, 2020 WL 1182651 (E.D. Cal. Mar. 12, 2020).

9
10 Dated: April 29, 2021

KEKER, VAN NEST & PETERS LLP

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12 By: /s/ Benjamin Berkowitz
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